



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,447	12/12/2003	Ulrich Bruening	09219-US	9676

7590

05/04/2005

Jimmie R. Oaks
Patent Department
DEERE & COMPANY
One John Deere Place
Moline, IL 61265-8098

EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,447

Applicant(s)

BRUENING, ULRICH

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 9 and 10 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3671

Claim Objections

1. Regarding claims 1, 3 and 9 the phrase "stalk-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Specification

2. The abstract of the disclosure is objected to because the term "stalk-like" appears in line 1. Correction is required. See MPEP § 608.01(b).

DETAILED ACTION

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuebbels '225 and Ryan.

5. Regarding claim 1, Wuebbels '225 discloses in a machine for mowing of stalk-like crops including a mowing and intake drum (5) mounted for rotation about an upright axis (20) with an intake function being carried out by a conveying disk that can be brought into movement and is equipped with drivers (33) distributed around the circumference for the transport of the stalks of

Art Unit: 3671

plants, a stripper element (31) being mounted adjacent the conveying disk such that the drivers (33) pass through a stripper slot (32), defined by the stripper element (31), during the operation.

However, Wuebbels '225 fails to disclose where at least one of the drivers of the conveying disk is provided with a remover that is appropriate for the removal of plant material from the stripper slot, the improvement comprising: the remover being fastened to the at least one of the drivers only in opposite end regions of the remover so as to be easily disassembled, whereby the remover may be easily replaced when it becomes worn.

Ryan discloses a similar device where at least one of the drivers (14A) of the conveying disk is provided with a remover (26), the improvement comprising: the remover (26) being fastened to the at least one of the drivers (14A) only in opposite end regions of the remover (26) so as to be easily disassembled, whereby the remover (26) may be easily replaced when it becomes worn.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the remover of Ryan on the device of Wuebbels '225 in order to provide for easy and quick replacement when the pusher plates become worn.

6. Regarding claim 3, Wuebbels '225 discloses in a machine for mowing of stalk-like crop including a mowing and intake drum (5) mounted for rotation about an upright axis (20) with an intake function being carried out by a conveying disk that can be brought into movement and is equipped with drivers (33) distributed around the circumference for the transport of the stalks of plants, a stripper element (31) being mounted adjacent the conveying disk such that the drivers (33) pass through a stripper slot (32), defined by the stripper element (31), during the operation,

Art Unit: 3671

and the drivers (33) being defined as a plurality of spaced teeth defining a plurality of recesses about a circumference of the conveying disk.

However, Wuebbels '225 fails to disclose where at least one of the drivers of the conveying disk is provided with a remover that is appropriate for the removal of plant material from the stripper slot, the improvement comprising: the remover being fastened to the at least one of the drivers so as to be easily disassembled, whereby the remover may be easily replaced when it becomes worn; and the drivers being defined as a plurality of spaced teeth defining a plurality of recesses about a circumference of the conveying disk; and the remover having a radially inner end that has a plug-in connection with the conveying disk at a radially inner location of one of the recesses.

Ryan discloses a similar device where at least one of the drivers (14A) of the conveying disk is provided with a remover (26) that is appropriate for the removal of plant material from a stripper slot, the improvement comprising: the remover (26) being fastened to the at least one of the drivers (14A) so as to be easily disassembled, whereby the remover (26) may be easily replaced when it becomes worn; and the remover (26) having a radially inner end that has a plug-in connection with the conveying disk at a radially inner location of one of the recesses.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the remover of Ryan on the device of Wuebbels '225 in order to provide for easy and quick replacement when the pusher plates become worn.

Art Unit: 3671

7. Regarding claim 9, Wuebbels '225 discloses in a machine for mowing of stalk-like crop including a mowing and intake drum (5) mounted for rotation about an upright axis (20) with an intake function being carried out by a conveying disk that can be brought into movement and is equipped with drivers (33) distributed around the circumference for the transport of the stalks of plants, a stripper element (31) being mounted adjacent the conveying disk such that the drivers (33) pass through a stripper slot (32), defined by the stripper element (31), during the operation, as per claim 9.

However, Wuebbels '225 fails to disclose where at least one of the drivers of the conveying disk is provided with a remover that is appropriate for the removal of plant material from the stripper slot, the improvement comprising: the remover being fastened to the at least one of the drivers so as to be easily disassembled, whereby the remover may be easily replaced when it becomes worn; and the remover making an angle with a radial line passing through the upright axis, with the radially inner end of the remover leading the radial line relative to a forward direction of rotation, as per claim 9; and

Wherein the angle is approximately 15 degrees, as per claim 10.

Ryan discloses a similar device where at least one of the drivers (14A) of the conveying disk is provided with a remover (26) that is appropriate for the removal of plant material from the stripper slot, the improvement comprising: the remover (26) being fastened to the at least one of the (14A) drivers so as to be easily disassembled, whereby the remover (26) may be easily replaced when it becomes worn; and the remover (26) making an angle with a radial line passing through the axis, with the radially inner end of the remover (26) leading the radial line relative to a forward direction of rotation, as per claim 9; and

Art Unit: 3671

Wherein the angle is approximately 15 degrees (see Figures 1 and 4), as per claim 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the remover of Ryan on the device of Wuebbels '225 in order to provide for easy and quick replacement when the pusher plates become worn.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

9. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

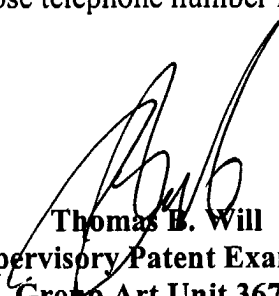
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Art Unit: 3671

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
April 29, 2005